

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL CASE NO. 5:18-cv-00162-MR**

**MARCUS A. THORPE,**

**Plaintiff,**

**vs.**

**ANITA T. GOWANS, et al.,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court *sua sponte*.

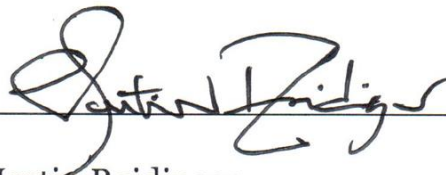
The Plaintiff filed this lawsuit pursuant to 42 U.S.C. § 1983 based on incidents that allegedly occurred at the Alexander Correctional Institution. [Doc. 1]. The Complaint survived initial review against several Defendants, including Phillip A. Carswell and David A. Stephens, who are both correctional officers. [Doc. 7]. The North Carolina Department of Public Safety (“NCDPS”) was unable to waive service for Defendants including Carswell and Stephens, and the Court directed the U.S. Marshals Service (“USMS”) to use reasonable efforts to locate and obtain service on them. [Doc. 13]. Summonses were issued electronically to the USMS on January 30, 2019. [Doc. 14]. On February 15, 2019, USMS filed returns indicating that the summonses were served on Defendants Stephens and Carswell by

certified mail on February 1 and 2, 2019, respectively. [Docs. 15, 16]. To date, Defendants Stephens and Carswell have not appeared or otherwise defended this action, and the Plaintiff has not taken any further action with respect to these Defendants.

**IT IS, THEREFORE, ORDERED** that Plaintiff shall take further action to prosecute this case against Defendants Stephens and Carswell within fourteen (14) days of this Order. Failure to take any such further action shall result in the dismissal of these Defendants without prejudice.

**IT IS SO ORDERED.**

Signed: October 26, 2021

  
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Martin Reidinger  
Chief United States District Judge

